

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM**

the specification of which (check one)   X   is attached hereto, or        was filed on                      as Application Serial No.            and was amended on            (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

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I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed  
Yes      No

\_\_\_\_\_  
Number    Country    Day/Month/Year Filed

\_\_\_\_\_

\_\_\_\_\_  
Number    Country    Day/Month/Year Filed

\_\_\_\_\_

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

MICHAEL A. GLENN, Reg. No. 30,176  
DONALD M. HENDRICKS, Reg. No. 40,355  
KIRK D. WONG, Reg. No. 43,284

SEND CORRESPONDENCE TO:

MICHAEL A. GLENN, 125 Lake Road, Portola Valley, CA 94028

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I hereby claim the benefit under Title 35, United States code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

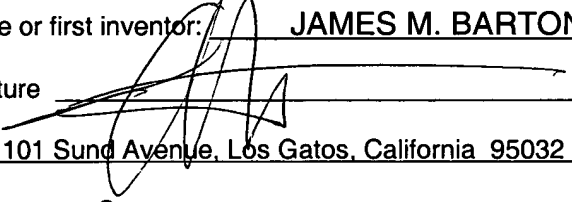
<u>60/127,178</u>	<u>3/30/99</u>	<u>Provisional - Pending</u>
Application Ser. No.	Filing Date	Status: Patented, Pending, Abandoned

_____	_____	_____
Application Ser. No.	Filing Date	Status: Patented, Pending, Abandoned

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: JAMES M. BARTON

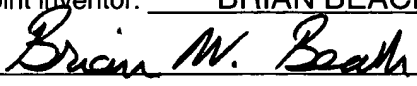
Inventor's signature  Oct. 18, 1999  
Date

Residence 101 Sund Avenue, Los Gatos, California 95032

Post Office Address Same

Citizenship United States of America

Full name of second joint inventor: BRIAN BEACH

Inventor's signature  Oct 15, 1999  
Date

Residence 126 Moreno Drive Santa Cruz, CA 95060

Post Office Address Same

Citizenship United States of America

Applicants or Patentees: James M. BARTON and Brian BEACH

Serial No.: Unassigned Filing Date: Herewith  
Patent No.: Unassigned Issued: Unassigned

For: **DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
37 CFR 1.9(f) and 1.27(b) - SMALL BUSINESS CONCERN

I hereby declare that I am:

( ) the owner of the small business concern identified below:

(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN TiVo, Inc.  
ADDRESS OF CONCERN 894 Ross Drive, Suite 100, Sunnyvale, California 94089

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3 - 18 and reproduced in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM** by inventor(s) James M. BARTON, and Brian BEACH described in:

(x) the application filed herewith

( ) application serial no. \_\_\_\_\_, filed \_\_\_\_\_

( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than an inventor, who could not qualify as a small business concern under 37 CFR 1.9(d), or by any concern that could not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

( ) no such person, concern, or organization

(X) persons, concerns, or organizations listed below\*

\* NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING James M. Barton

TITLE OF PERSON OTHER THAN OWNER Chief Technical Officer & Vice President Engineering

ADDRESS OF PERSON SIGNING 894 Ross Drive, Suite 100 Sunnyvale, California 94089

SIGNATURE

DATE

Oct. 18, 1999

10/18/99 10:00 AM JMB: [illegible]

Applicants or Patentees: James Barton, and Brian Beach

Serial No.: \_\_\_\_\_ Filing Date: Herewith

Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM**

described in: `

☒ (X) the application filed herewith `

☐ ( ) application serial no. \_\_\_\_\_, filed \_\_\_\_\_

☐ ( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). `

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below: `

☒ (x) no such person, concern, or organization `

☐ ( ) persons, concerns, or organizations listed below\* `

\* NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27). `

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ ( ) INDIVIDUAL ☐ ( ) SMALL BUSINESS CONCERN ☐ ( ) NONPROFIT ORGANIZATION `

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

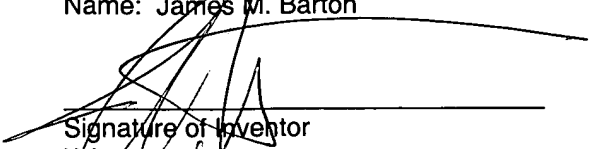
☐ ( ) INDIVIDUAL ☐ ( ) SMALL BUSINESS CONCERN ☐ ( ) NONPROFIT ORGANIZATION `

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)). `

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed. `

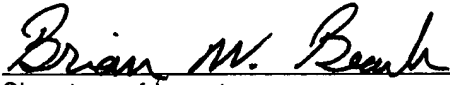
Attorney Docket No. TIVO0004

Name: James M. Barton

  
Signature of Inventor

Oct. 18, 1999  
Date

Name: Brian Beach

  
Signature of Inventor

Oct 15, 1999  
Date